



APPOINTMENT TO ACT AS PASTORAL HOUSE

WARNING

THE CLIENT IS ADVISED TO SEEK INDEPENDENT LEGAL ADVICE BEFORE SIGNING THIS FORM.

A Pastoral House ("Pastoral House") must not act for a client ("Client") unless the Client first appoints the Pastoral House by signing this Appointment. The Pastoral House must give a copy of this signed Appointment to the Client.

For sale of property: If the Client proposes to appoint the Pastoral House on the basis of a sole or exclusive agency, the Client must sign a PAMD Form 25 "Sole or Exclusive Agency Notice" BEFORE the Client signs this Appointment. If this is not done, then this Appointment for a sole or exclusive agency will be ineffective.

Instructions

Please complete in BLOCK letters. Attach extra pages if needed. All references to dates should be in DD/MM/YYYY. If you need help completing this form, please contact the Office of Fair Trading on 13 13 04.

Part 1 - Client

1.1 Client name and address

Preferred Title Mr Mrs Ms Miss Other (specify)
First name Last name
Address
Suburb State Postcode

1.2 Client contact details

Phone (work) () Fax (work) ()
Phone (home) () Mobile
Email address

Part 2 - Pastoral house

2.1 Pastoral house name and address

Name
ABN:
Address
Suburb State Postcode

2.2 Pastoral house contact details

Phone (work) () Fax (work) ()
Mobile
Email address

2.3 Pastoral house licence details

Licence number
Licence expiry date / /
D D / M M / Y Y Y Y

Part 5 - Service

Tick whichever applies.

The Pastoral House will perform the following Service on behalf of the Client:

- Sale of property Sale of land Sale of chattels
 Purchase of property Purchase of land

Other (please specify)

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Please note: If the Service to be provided is the sale of livestock this Appointment does not need to be completed.

Please state how the service will be performed by the Pastoral House. Please state proposed list price.

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Conditions of service

Please note: In performance of the Service, the Pastoral House must comply with the code of conduct for Pastoral Houses as set out in the *Property Agents and Motor Dealers (Pastoral and House Practice Code of Conduct) Regulation 2001*. You can obtain a copy of this Code of Conduct on the Office of Fair Trading's website at www.fairtrading.qld.gov.au, from your local Office of Fair Trading or by phoning 13 13 04.

Please state any conditions, limitations or restrictions on performance of the Service.

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(If additional space is needed, please supply these details in the Schedule)

Part 6 - Commission

To the client:

The *Property Agents and Motor Dealers Regulation 2001* sets a **maximum amount** of commission chargeable by your Agent for residential property (see Notes page 6).

Please note that you have a right to negotiate an amount of commission lower than this amount of commission.

6.1 Agreed commission

The Client and the Pastoral House agree that the total commission and GST payable for the service to be performed by the Agent is:

COMMISSION RATE %

TOTAL COMMISSION \$

GST \$

TOTAL PAYMENT \$

Part 6 - Commission - continued

To the client:

Percentage - Commission expressed as a percentage is worked out only on the actual sale price.
Amount - Commission expressed as an amount represents the commission payable if the property or chattel is sold at the listed price (see section 4.2 above). If the property is actually sold at a higher or lower price, the amount of commission payable may vary from the amount stated.

6.2 When payable

Please state when commission is payable.

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D D / M M Y Y Y Y

Part 7 - Fees and charges

7.1 Amount payable

Please note that fees and charges chargeable under this Appointment are inclusive of Goods and Services Tax (GST).

The Client and the Pastoral House agree that fees and charges to be charged for the

Service are: (Please specify the items and amounts being charged)

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7.2 When payable

Please note that expenses can only be charged on the actual cost of expenses incurred.

Please state when fees and charges are payable

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(If additional space is needed, please supply these details in the Schedule)

Part 8 - Expenses

Tick whichever applies.

The Pastoral House is authorised by the Client to incur the following Expenses for the Service:

Advertising Marketing Travelling

Other expenses (please specify)

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The Pastoral House will / will not receive a rebate, discount, commission, or benefit in relation to incurring these Expenses.

If a rebate, discount, commission or benefit is to be received by the Pastoral House, the source and estimated amount or value of any such rebate, commission or benefit is/ are:

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Part 9 - Declaration and signatures

9.1 Client's signature

If you need more information before you sign this Appointment, you can visit the Office of Fair Trading's website at www.fairtrading.qld.gov.au

Signature

Signatory (print name)

Date signed / /

D D M M Y Y Y Y

Signature

Signatory (print name)

Date signed / /

D D M M Y Y Y Y

9.2 Pastoral House signature

Signature

Signatory (print name)

Date signed / /

D D M M Y Y Y Y

Notes on Open Listing, a Sole Agency and Exclusive Agency, for sale of property only

You may have to pay the Pastoral House the commission, fees and charges (which will be set out in the Form 26 "Appointment") if the Property is sold during the term of the Appointment even if the Pastoral House does not sell the Property depending on whether you, the Pastoral House or another person is the **effective cause of sale** of the Property and what type of Appointment you have, an Open Listing, a Sole Agency or an Exclusive Agency.

The table below shows the circumstances in which **you will have to pay** the Pastoral House's commission, fees and charges.

Opening Listing	Sole Agency	Exclusive Agency
Clients sells	Clients sells	Clients sells <input checked="" type="checkbox"/>
Another person sells	Another person sells <input checked="" type="checkbox"/>	Another person sells <input checked="" type="checkbox"/>
Pastoral House sells <input checked="" type="checkbox"/>	Pastoral House sells <input checked="" type="checkbox"/>	Pastoral House sells <input checked="" type="checkbox"/>

Open Listing:

If you have an Open Listing appointment with a Pastoral House, you (the Client), a relative or another person can sell the Property and you do NOT have to pay the Pastoral House any commission. The Pastoral House is only entitled to be paid commission if the Pastoral House is the effective cause of sale of the Property. The Appointment can be ended at any time by the Client or the Pastoral House.

Sole Agency:

If you have a Sole Agency appointment with a Pastoral House and you (the Client) sell the Property yourself during the term of the Sole Agency you will NOT have to pay the Pastoral House any commission. However, if any other person (not you, the Client) sells the Property during the term of the Sole Agency, such as your relative, you will still have to pay the Pastoral House their commission.

Exclusive Agency:

If you have an Exclusive Agency appointment with a Pastoral House, you will have to pay the Pastoral House if the Property is sold during the term of the Exclusive Agency regardless of whether or not another person (not the Pastoral House) sells the Property. For example, if you (the Client) sell the Property yourself or a relative sells your Property during the term of the Exclusive Agency, you will still have to pay the Pastoral House their commission.

(If you would like further information about the differences between these types of Appointment please refer to sections 16 and 19 of the Act.)

Notes on maximum commission rates chargeable by Pastoral Houses for residential property transactions under the *Property Agents and Motor Dealers Regulation 2001*

(a) For Selling a Residential Property

S.30 (a) If the purchase or sale price is not more than \$18,000 - 5% of the price; or

S.30 (b) If the purchase or sale price is more than \$18,000 -

(i) \$900; and

(ii) 2.5% of the part of the price that is more than \$18,000.

(b) For Sale of Freehold Rural Land

S.34 (a) If the sale price is not more than \$18,000 - 5% of the price; or

S.34 (b) If the sale price is more than \$18,000 -

(i) \$900; and

(ii) 2.5% of the part of the price that is more than \$18,000.

(c) For Sale of Leasehold Rural Land

S.35 (a) If the sale price is not more than \$1,000 - 10% of the price; or

S.35 (b) If the sale price is more than \$1,000 -

(i) \$100; and

(ii) 5% of the part of the price that is more than \$1,000 and not more than \$5,000; and 2.5% of the part of the price that is more than \$5,000.

For commission rates for other services performed by Pastoral Houses please refer to Schedule 1 of the Regulation.

Schedule